

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 03-4390**

---

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ROBERT C. HUNDERTMARK, JR., a/k/a Robert  
Hundertmark, a/k/a Barry Scheckman, a/k/a  
Detective Miller,

Defendant - Appellant.

---

Appeal from the United States District Court for the Eastern  
District of Virginia, at Norfolk. Rebecca Beach Smith, District  
Judge. (CR-02-125)

---

Submitted: October 3, 2003

Decided: October 23, 2003

---

Before WIDENER, LUTTIG, and GREGORY, Circuit Judges.

---

Affirmed by unpublished per curiam opinion.

---

Jon M. Babineau, SAUNDERS, BABINEAU & BREWBAKER, L.L.C., Suffolk,  
Virginia, for Appellant. Paul J. McNulty, United States Attorney,  
Robert J. Krask, Assistant United States Attorney, Norfolk,  
Virginia, for Appellee.

---

Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Robert C. Hundertmark, Jr., appeals his conviction and sentence on four counts of knowingly and willfully threatening to kill, injure, and intimidate with an instrument of interstate commerce, in violation of 18 U.S.C. § 844(e) (2000), and three counts of transmitting threats in interstate commerce, in violation of 18 U.S.C. § 875(c) (2000).

On appeal, Hundertmark asserts the evidence was insufficient to sustain his convictions. First, he asserts his alleged statements did not constitute true threats. Second, he asserts the Government failed to prove he made the statements in question. To determine whether there is sufficient evidence to support a conviction, "[t]he verdict of the jury must be sustained if there is substantial evidence, taking the view most favorable to the Government, to support it." Glasser v. United States, 315 U.S. 60, 80 (1942). We are of opinion there was such evidence in this case. Hundertmark's arguments are meritless. The Government's evidence was sufficient to establish he made threatening statements in violation of 18 U.S.C. § 844(e) (2000) and 18 U.S.C. § 875(c) (2000). United States v. Spruill, 118 F.3d 221, 228 (4th Cir. 1997); United States v. Darby, 37 F.3d 1059, 1065 (4th Cir. 1994).

Accordingly, we affirm Hundertmark's conviction and sentence. We dispense with oral argument because the facts and legal

contentions are adequately presented in the materials before the court and argument would not aid in the decisional process.

AFFIRMED